

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEITH L NASH,

Plaintiff,

v.

GARY E LUCAS.

Defendant.

CASE NO. C14-5851 RBL-JRC

ORDER

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

Currently before the Court is plaintiff's motion for appointment of counsel (Dkt. 10).

There is no right to have counsel appointed in civil rights actions brought pursuant to 42 U.S.C. § 1983. Although the Court can request counsel to represent a party, 28 U.S.C. § 1915(e)(1), the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances

1 requires the Court to evaluate both the likelihood of success on the merits and the ability of  
2 plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.  
3 *Wilborn*, 789 F.2d at 1331.

4 Plaintiff alleges that prison officials denied him access to courts by failing to provide  
5 notary services (Dkt. 6). Plaintiff also alleges that he is unable to contact his bank or issue a  
6 power of attorney to another person so that they could deal with his financial and civil legal  
7 matters (Dkt. 6). Plaintiff's complaint is clear and concise. He can articulate his claims.  
8 Plaintiff makes no showing of a likelihood of success on the merits.

9 The Court denies plaintiff's motion for appointment of counsel (Dkt. 10).

10 Dated this 29<sup>th</sup> day of December, 2014.

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12 J. Richard Creatura  
13 United States Magistrate Judge

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